

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

COTY MAYFIELD,

Plaintiff,

v.

OPINION and ORDER

DOUG VAN BERKEL, BRADLEY BURRIS,
LEE LAMPERT, MELISSA SAEGER,
and SUSANNA PEARSON,

19-cv-256-jdp

Defendants.¹

Pro se plaintiff Coty Mayfield is suing several local and county officials for alleged constitutional violations arising out of his arrest in April 2016. Now Mayfield moves for partial summary judgment on the issue whether he exhausted his administrative remedies. Dkt. 45.

Failure to exhaust is an affirmative defense raised by some of the defendants. Although no defendant has filed a summary judgment motion on that issue, I am not aware of any rule that prohibits a plaintiff from seeking summary judgment on an affirmative defense.

The problem is that plaintiff's motion doesn't address any issues relevant to exhaustion. He neither describes the grievance procedure at the jail nor offers any evidence that he followed the procedure. Rather, his motion is simply a summary of allegations supporting his claims. So plaintiff's motion for summary judgment, Dkt. 45, is DENIED.

Plaintiff also includes discovery requests in his motion. If plaintiff wants discovery from defendants, he should submit those requests to defendants directly, following the guidance in

¹ Mayfield sued defendants named Melissa Simcakowski and Susanna Knapp. I have amended the caption to reflect those defendants' current names, as reflected in their answer.

the Federal Rules of Civil Procedure 26 through 37 and the Preliminary Pretrial Conference Order, Dkt. 42.

Entered February 19, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge